

REMARKS

The office action of April 27, 2009, has been carefully considered.

It is noted that the drawings are objected to under 37 C.F.R. 1.83(a).

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1, 6-9 and 10 are rejected under 35 U.S.C. 103(a) over the patent to Pleschiutschnigg et al. '991 in view of the patent to Pleschiutschnigg et al. '985, the patent to Mabuchi et al., JP 406100949 and the patent application of Dittrich et al.

Claim 2 is rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and the Dittrich et al., and further

in view of JP 2000087128 and JP 10130713.

Claims 1 and 6-11 are rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and the patent application of Pleschiutschnigg et al. '163.

Claim 3 is rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and Pleschiutschnigg et al. '163, and further in view of JP '713.

Claims 1, 4 and 6-10 are rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and the patent to Gero.

Claims 1 and 5-10 are rejected under 35 U.S.C. 103(a) over Pleschiutschnigg et al. '991 in view of Pleschiutschnigg et al. '985, Mabuchi et al., JP '949 and the patent to Khusnutdinov et al. or the patent to Keilman et al.

Claim 12 is rejected under 35 U.S.C. 103(a) over Pleschiutchnigg et al. '991 in view of Pleschiutchnigg et al. '985, Mabuchi et al., JP '949 and Dittrich et al., Pleschiutchnigg et al. '163, Gero, Khusnutdinov et al. or Keilman et al., and further in view of the patent to Cornet et al.

In connection with the Examiner's objection to the drawings, applicant has amended claim 1 to delete descaling before being partially deformed. Relative to the melting installation that is not a steelworks converter, this is illustrated schematically with the reference numeral 2a in Fig. 1

In view of these considerations it is respectfully submitted that the objection to the drawings is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has amended claims 1-5, 9 and 12.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-12 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the methods disclosed in the references.

Turning now to the references, applicant has looked at each of the references individually and in the combinations argued by the Examiner and does not see where there is any teaching which would make the presently claimed invention obvious. None of the references provide any teaching of a method that includes the step of selecting a process route from the options recited in claim 1

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according to a desired final microstructure, as in the presently claimed invention. There is no teaching by any of the references of such a selecting step.

In view of these considerations it is respectfully submitted that the rejections of claims 1-12 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on October 27, 2009.

By: Klaus P. Stoffel  
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